

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHAUN RUSHING,

Plaintiff,

-against-

POLK COUNTY, et al.,

Defendants.

1:22-CV-3449 (LTS)

ORDER OF DISMISSAL
UNDER 28 U.S.C. § 1651

LAURA TAYLOR SWAIN, Chief United States District Judge:

On January 3, 2022, Plaintiff was barred from filing any new civil action in this court *in forma pauperis* (“IFP”) without first obtaining from the court leave to file. *See Rushing v. Extra Space Storage*, ECF 1:21-CV-9113, 5 (S.D.N.Y. Jan. 3, 2022). Plaintiff files this new *pro se* action, seeks IFP status, and has not sought leave from the Court. The Court therefore dismisses this action without prejudice for Plaintiff’s failure to comply with the Court’s January 3, 2022 order. The Court also denies Plaintiff’s application for the Court to request *pro bono* counsel (ECF 3) as moot.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: May 12, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge